




(44)

# A C T

## Anent RELIGION, and the TEST.

At Edinburgh the last day of August, One thousand six hundred eighty and one.



HE WHICH DAY, *Our Sovereign Lord*, with His Estates of Parliament, Considering, That albeit, by many wholesome Laws made by his Royal Grandfather, and Father, of glorious memory, and by himself, in this, and His other Parliaments, since His happy Restauration, the Protestant Religion is carefully asserted established and secured, against Popery and Phanaticism: Yet the restless Adversaries of our Religion, do not cease to propagat their errors, and to seduce His Majesties Subjects from their duty to God, and Loyalty to his Vice-gerent, and to overturn the established Religion, by introducing their Superstitions, and delusions, into his Church and Kingdom: And that nothing can more encrease the numbers and confidence of Papists, and Schismatical dissenters from the Established Church, then the supine neglect of putting in

Officers and Places of Trust and publick Employment. **THEREFORE**, His Majesty, from his Princely and pious zeal, to maintain and preserve the Protestant Religion, contained in the *Confession of Faith*, recorded in the first Parliament of King James the sixth, which is founded on, and agreeable to the written Word of God; **DOETH**, with advice and consent of His Estates of Parliament, Require and Command, all His Officers, Judges, and Magistrats, to put the Laws made against Popery, and Papists

Jesuits, and all persons of any other Order in the Popish Church, especially against sayers and hearers of Mass; Venders and distributors of forbidden Books; And Resettlers of Popish Priests, and excommunicat Papists: As also, against all Phanatick Separatists from the National Church; Against Preachers at House, or Field-Conventicles, and the Resettlers, and harbourers of Preachers, who are Incommunicated; Against disorderly Baptisms, and Mariages, and irregular Ordinations, and all other Schismatical disorders, to full and pious execution, according to the Tenor of the Respective Acts of Parliament thereanent provided: And that His Majesties princely care to have these Laws put in execution, against those Enemies of the Protestant Religion, may the more clearly appear: **DOETH**, with advice and consent forlaid, **STATUT** and **ORDAIN**, that the Ministers of each Paroch, give up in *October* yearly, to their respective Ordinaries, true and exact lists of all Papists, and Schismatical withdrawers from the publick Worship, in their respective Paroches; which lists are to be subscribed by them, and that the Bishops give in an double of the saids Lists subscribed by them, to the respective Sheriffs, Stewards, Bailies of Royalty, and Regality, and Magistrats of Burghs, To the effect the saids Judges may proceed against them according to Law: As also, the Sheriffs, and other Magistrats forlaid, are hereby ordained to give an account to His Majesties Privy Council *December* yearly, of their proceedings against those Papists, and Phanatical Separatists, as they will be answerable at their highest peril. And the diligences done by the Sheriffs, Bailies of Regalities, and other Magistrats forlaid, may be the better enquired into by the Council, the Bishops of the respective Diocesses, are to send exact doubles of the Lists of the Papists, and Phanaticks, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges forlaid, may be controlled and examined, And to cut off all hopes, from Papists and Phanaticks their being employed in Offices and Places of publick Trust, **IT IS HEREBY STATUT** and **ORDAINED**, that the following Oath shall be taken by all persons in Offices, and places of publick Trust, Civil, Ecclesiastic, and Military, especially by all Members of Parliament, and all Electors Members of Parliament, all Privy Counsellors, Lords of Session, Members of Exchequer, Lords of Justiciary, and other Members of the Courts; all Officers of the Crown, and State; all Arch-Bishops and Bishops; and all Preachers and Ministers of the Gospel whatsoever; all persons in this Kingdom, named or to be named Commissioners for the Borders; all Members of the Commission for Church Affairs; all Sheriffs, Sec-



wards, Bailies of Royalties and Regalities, Justices of the peace, Officers of the Mint, Commissars and their Deputs, their Clerks and Fiscals, all Advocats and Procurators before any of these Courts, all Writers to the Signet, all publick Nottars, and other persons imployed in Writing or Agenting: The Lyon King at Arms, Heralds, Pursevants, and Messengers at Arms; all Collectours, Sub-collectours and Fermourers of His Majesty's Customs and Excise; all Magistrats, Deans of Gild, Counsellors, and Clerks of Burghs Royal and Regality; all Deacons of Trades, and Deacon-Conveeners in the saids Burghs; all Masters and Doctors in Universities, Colledges, or Schools; all Chaplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia, and all other persons in publick Trust or Office within this Kingdom, who shall publickly swear, and subscribe the said Oath as follows, *viz.* The Arch-Bishops, Chief Commander of the Forces, and Officers of the Crown and State, and Counsellors, before the Secret Council: All the Lords of Session, and all Members of the Colledge of Justice, and others depending upon them, before the Session: The Lords of Justiciary, and those depending upon that Court, in the Justice Court: The Lords, and other Members of Exchequer, before the Exchequer: All Bishops, before the Arch-Bishops: All the Inferiour Clergy, Commissars, Masters and Doctors of Universities, and schools, Chaplains and Pedagogues, before the Bishops of the respective Diocesses: Sheriffs, Stewarts, Bailies of Royalty and Regality, and those depending on these Jurisdictions, before these respective Courts: And Provosts, Bailies and others of the Burgh, before the Town Council: all Collectors and Fermourers of the King's Customs and Excise, before the Exchequer; The Commissioners of the Borders, before the Privy Council; All Justices of Peace, before their Conveener; And the Officers of the Mint, before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; and common Souldiers before their respective Officers; The Lyon before the Privy Council; and Heralds, Pursevants and Messengers at Arms, before the Lyon. And His Majesty, with consent foresaid, STATUTES and ORDAINS, that all those who presently possess, or enjoy any of the foresaid Offices, publick Trusts, or Employments, shall take and subscribe the following Oath, in one of the foresaid Offices, in manner before prescribed, betwixt and the first of January next, which is to be recorded in the Registers of the respective Courts, and Extracts thereof under the Clerks hands, to be reported to His Majesties Privy Council, betwixt and the first of March next, One thousand six hundred eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the first time they shall sit, or exerce in any of these respective Courts: And ordains, that all who shall hereafter be promoted to, or imployed in any of the foresaid Offices, Trusts, or Employments shall at their entry into, and before their exercising thereof, take and subscribe the said Oath, in manner foresaid, to be Recorded in the Registers of the respective Courts, and reported to His Majesties Privy Council, within the space of forty days after their taking the same: And if any shall presume to exerce any of the saids Offices, or Employments, or any publick Office, or Trust, within this Kingdom, (the King's lawful Brothers and Sons only excepted,) without the Oath foresaid, and subscribe it, to be recorded in the Registers of the respective Courts, They shall be declared incapable of all publick Trust thereafter, and be further punished with the loss of their Movable, and Liferent Estate, the one half whereof to be given to the Informer, and the other half to belong to his Majesty. And His Majesty, with Advice foresaid, recommends to His Privy Council to see this Act put to due and vigorous Execution.

### Follows the Tenour of the Oath to be taken by all Persons in publick Trust.

**I** solemnly swear in presence of the Eternal GOD, whom I invocat as Judge, and Witness of my sincere intention of this my Oath, That I own, and sincerely profess the true Protestant Religion, contained in the Confession of Faith, recorded in the first Parliament of King James the sixth; and that I believe the same to be founded on, and agreeable to the written Word of GOD. And I promise and swear, that I shall adhere thereto, during all the days of my lifetime, and shall endeavour to educate my Children therein; and shall never consent to any change, or alteration contrare thereto: And that I disown, and renounce all such Principles, Doctrines, or Practises, whether Popish, or Pharnatical, which are contrare unto, and inconsistent with the said Protestant Religion, and Confession of Faith. And for testification of my Obedience to my most Gracious Sovereign CHARLES the second, I do affirm, and swear, by this my solemn Oath, That the King's Majesty is the onlie Supreme Governour of this Realm, over all Persons, and in all Causes, as well Ecclesiastical as Civil; And that no forraign Prince, Person, Pope, Prelate, State, or Potentate, hath, or ought to have any Jurisdiction, Power, Superioritie, Preheminencie or Authoritie Ecclesiastical or Civil, within this Realm. And therefore I do utterly renounce, and forsake all Forraign Jurisdictions, Powers, Superiorities and Authorities, And do promise, that from henceforth, I shall bear Faith and true Allegiance to the King's Majesty, His Heirs and lawful Successours, And to my power shall assist and defend, all Rights, Jurisdictions, Prerogatives, Priviledges, Preheminencies, and Authorities belonging to the King's Majesty, His Heirs and lawful Successours. And I farther affirm and swear by this my solemn Oath, That I judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence whatsoever, To enter into Covenants or Leagues, or to convocat, convene, or assemble in any Councils, Conventions, or Assemblies, to treat, consult, or determine, in any matter of State, Civil or Ecclesiastick, without His Majesties speciall command, or expresse licence had thereto, or to take up Arms against the King, or those commissioned by Him: And that I shall never rise in Arms, or enter into such Covenants, or Assemblies: And that there lies no obligation on me from the National Covenant, or the Solemn League and Covenant (so commonlie call'd) or any other manner of way whatsoever, to endeavour any change or alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdom. And I promise and swear, that I shall with my utmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly: And I shall never decline His Majesty's Power and Jurisdiction, As I shall answer to GOD. And finallie, I affirm, and swear, that this my solemn Oath, is given in the plain genuine sense and meaning of the words, without any equivocation, mental reservation, or any manner of evasion whatsoever; And that I shall not accept, or use any dispensation from any Creature whatsoever. So help me GOD.